



PATENT
Customer No. 22,852
Attorney Docket No. 01035.0028-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
John BOYLAN et al.) Group Art Unit: 3738
)
Application No.: 10/814,326) Examiner: Phan, H.
)
Filed: March 30, 2004)
)
For: RADIOPAQUE AND MRI) Confirmation No.: 5142
COMPATIBLE NITINOL ALLOYS FOR)
MEDICAL DEVICES)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign-patent literature documents are attached. Copies of the U.S. patent publications are not enclosed. Further, copies of the non-published U.S. Patent Applications cited on the PTO SB/08 are not enclosed, as they are on file with the U.S. Patent Office and are readily available to the Examiner.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

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This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.


Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there are any additional fees due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 5, 2005

By: 
Michele C. Bosch
Reg. No. 40,524

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

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Application Number

10/814,326

Filing Date

March 30, 2004

First Named Inventor

John BOYLAN et al.

Art Unit

3738

Examiner Name

H. Phan

Attorney Docket Number

01035.0028-04

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date dd-month-yy	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-2003/0055449	20-Mar-03	Lee et al.	
		US-2002/0082681	27-Jun-02	Boylan et al.	
		US-2001/0049549	6-Dec-01	Boylan et al.	
		US-6,755,855	29-Jun-04	Yurek et al.	
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		US-6,004,330	21-Dec-99	Middleman et al.	
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		US-5,989,280	23-Nov-99	Euteneuer et al.	
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		US-5,843,244	1-Dec-98	Pelton et al.	
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		US-5,690,644	25-Nov-97	Yurek et al.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/814,326
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				Art Unit	3738
				Examiner Name	H. Phan
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		US-5,667,522	16-Sep-97	Flomenblit et al.	
		US-5,643,312	1-Jul-97	Fischell et al.	
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		US-5,486,183	23-Jan-96	Middleman et al.	
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		US-4,881,981	21-Nov-89	Thoma et al.	
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		US-4,631,094	23-Dec-86	Simpson et al.	
		US-4,505,767	19-Mar-85	Quin	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date dd-month-yy	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁸
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 02 051462	04-Jul-02	Advanced Cardiovascular		
		WO 03 097148	27-Nov-2003	Scimed Life Sys. Inc.		
		WO 97 24978 A	17-Jul-97	Intella Interventional Sys.		
		EP 0 873 734	28-Oct-98	Nitinol Development Corp.		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁸
		US APP 09/452,516 filed 12/01/99	
		US APP 09/572,352 filed 05/17/00	
		Foreign patent office search report and written opinion for International Application No. PCT/US2005/004698	
		Yang, J. H. et al., <i>Stress-Induced transformation and Superelasticity in Ni-Ti-Nb Alloys</i> , Journal De Physique IV, pp. C8-771-776 (December 1995)	
		Stockel, D. et al., <i>Superelastic Ni-Ti-Wire</i> , Wire Journal International, pp. 45-50 (March 1991)	

IDS Form PTO/SB/08: Substitute for form 1449A/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Application Number	10/814,326	
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			Examiner Name	H. Phan	
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		Schetky, L.M., Shape Memory Alloys, <i>Scientific American</i> , pp. 74-82 (Nov. 1979)	
		Russell, S.M. et al., <i>Improved NiTi Alloys for Medical Applications</i> , Proceedings of the Second International Conference on Shape Memory and Superelastic Technologies, pp. 429-436, 1997	
		Proft, J.L. et al., <i>The Mechanical Aspects of Constrained Recovery</i> , Raychem Corp., pp. 115-129 (1985)	
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		Pelton, A.R. et al., Optimisation of Processing and Properties of Medical Grade Nitinol Wire, <i>Min Invas Ther & Allied Technol</i> 200, 9(1), 107-118 (2000)	
		Otsuka, K. et al., <i>Shape Memory Effect</i> , Shape Memory Materials, p. 41 (1998)	
		Lindquist, P.G., Ph.D., Structure and Transformation Behavior of Martensitic Ti(Ni, Pd) and Ti(Ni, Pt) Alloys, <i>Unioversity of Illinois at Urbana-Champaign</i> (1988)	
		Lin, Z.C. et al., <i>The Study on Superelasticity of NiTiPt wire as a function of Application Temperature</i> , Technical Report, Guidant Corp., pp. 1-4 (June 19, 2003)	
		Enami, K. et al. Effect of W addition on the Martensitic Transformation and Shape Memory Behavior of The TiNi-Base Alloys, <i>Journal De Physique IV</i> , Vol. 5-C8, pp. 629-C86, December 1995	
		Duerig, T.W. et al., <i>Superelastic Nitinol for Medical Devices</i> , Medical Plastics and Biomaterials Magazine, pp. 1-14, March 1997.	
		Duerig, T.W. et al., "An Engineers Perspective of Pseudoelasticity," <i>The Mechanisms of Pseudoelasticity</i> , 369-393	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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